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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,214	02/24/2004	Robert Lee Burchette JR.	30924-001	8815

7590 11/10/2009  
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EXAMINER
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BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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11/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,214	<b>Applicant(s)</b> BURCHETTE, ROBERT LEE	
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17, 19, 20 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 22-32 and 19-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to communication filed on September 3, 2009.

#### ***Response to Amendment***

The examiner acknowledges the amendment of claims 17, 19, and the addition of claims 22-32.

#### ***Response to Arguments***

Applicant's arguments filed 9/3/09 have been fully considered but they are not persuasive.

Applicant argues that the reference of Hsu does not teach providing fingerprint access to the interior of a vehicle. It is the examiner's position that Hsu teaches the fingerprint is used to gain access to the interior of the vehicle (col. 4 lines 26-31).

Regarding applicant argument regarding the protective covering of the fingerprint sensor, it is the examiner's position that the reference of Hsu teaches the use of a fingerprint sensor for authenticating a person in order to unlock the vehicle door and teaches a fingerprint sensor located on the vehicle door (col. 4 lines 26-41). It is further the examiner's position that one of ordinary skill in the art recognizes that a fingerprint sensor on the exterior of the vehicle must have a protective cover to prevent the fingerprint sensor from being covered with dirt and other contaminants. The reference of DeBeno is relied upon for teaching a biometric sensor protected by a flip cover (col. 7 lines 10-15). A flip cover is considered a hinged cover. DeBono further implied that the flip cover for the biometric sensor is rigid because a flexible material is not convenient for flipping. The reference of DeBono is only relied upon for teaching a particular type of protective covering for the fingerprint sensor.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, 22-25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 and further in view of Radke US Patent Application Publication 20040155752.

Regarding claim 19, Hsu et al. teach a device to provide fingerprint access to the interior of a vehicle comprising;

a protective housing including a fingerprint sensor 14 mounted on the exterior of the vehicle (figure 2) (col. 4 lines 42-45);

a wired means for connecting the fingerprint sensor 14 to an electric circuit (30) for storing and verifying electronic fingerprint information (col. 4 lines 54-57);

means (34) to activate a device (door) to allow access control upon verification of electronically stored fingerprint information (col. 4 lines 61-65). Hsu et al. is silent on teaching a rigid hinged cover, means for switching the circuit from a low-power sleep state to a higher-power active state for enabling the fingerprint sensor to acquire the fingerprint, and is also not explicit in teaching means for connecting the sensor to a power source. DeBono in an art related biometric vehicle control system teaches a biometric sensor protected by a flip cover (col. 7 lines

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10-15). A flip cover is considered a hinged cover. DeBono further implied that the flip cover for the biometric sensor is rigid because a flexible material is not convenient for flipping. Radke in an art related fingerprint reader invention teaches a fingerprint sensor connected to a power supply (figure 12) and teaches means for switching the circuit from a low-power sleep state to a higher-power active state for enabling the fingerprint sensor to acquire the fingerprint (paragraph 0032) and also teaches a switch for activating the sensor based on the detection of the finger (paragraph 019).

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. as disclosed by Debono in view of Radke at the time the invention was made because a hinged cover protect the fingerprint sensor and provides easy access to the fingerprint sensor. The means for switching the circuit from a low-power sleep state to a higher-power active state provides the means to conserve the power supply of the fingerprint sensor.

Regarding claim 20, Hsu et al. teaches the fingerprint sensor is housed in the protective housing of the door handle (col. 4 lines 33-36) and the fingerprint sensor is sealed as shown in figure 3.

Regarding claim 22, Hsu et al. teaches a switch to activate the electronic circuit (col. 4 lines 62-67).

Regarding claims 23-24, Hsu et al. teaches means such as ignition switch, climate control, and seat adjuster for selecting the function (figure 5).

Regarding claim 25, Hsu et al. teaches device 30 provides the fingerprint matching functions (col. 4 lines 54-64). The electronic circuit for storing and verifying the fingerprint is therefore inherently in the protective housing provided by device 30.

Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 and further in view of Dougherty US Patent 5549984.

Regarding claim 17, Hsu et al. teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) and the reference of DeBono teaches a backup battery for powering the biometric controlled system in case of the vehicle battery failure and also teaches the battery is useable as a primary source (col. 9 lines 64-67). The use of the backup battery as the primary source implied that the battery is used to operate the vehicle. DeBono is silent on teaching a backup battery with sufficient capacity to enable a vehicle to start when a main battery has been discharged. Dougherty in an analogous art teaches backup battery with sufficient capacity to start the vehicle (col. 3 lines 57-67). It is also the examiner's position that the vehicle battery is conventionally rechargeable and the main battery is at least partially charged when the vehicle is running.

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. as disclosed by DeBono in view of Dougherty because the backup battery allows the vehicle to be accessed in the case when the vehicle main power supply is exhausted and the use of a rechargeable backup battery extends the life of the battery.

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 and further in view of Carta International Publication WO 02/091311.

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Regarding claims 26-27, Hsu et al. teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) but is silent on teaching a radio frequency shuttle card containing the fingerprint information. Carta in an art related biometric access control system teaches shuttle card in the form of a radio frequency smart card storing biometric data (abstract).

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. in view of DeBono in view of Radke as disclosed by Carta because smart card provides a convenient and cost effective means for storing and transporting the identification data necessary for operating a biometric access control system.

Claims 28, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 and further in view of Bonder et al. US patent 6078265.

Regarding claims 28, 31-31, Hsu et al. teaches enrolling new user fingerprint (col. 2 lines 35-42), a starter interlock for preventing the actuation of the ignition without a valid fingerprint (col. 6 lines 50-60) but is silent on teaching a password protected detachable enroller. Bonder et al. in an art related fingerprint security system teaches the use of a password protected detachable programming unit for programming new fingerprint (col. 5 lines 20-22).

It would have been obvious to one of ordinary skill in the art to have a password protected enrollment device because this enables the addition of new users to the fingerprint protected system and further ensure that the enrollment device is operated by an authorized person.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application

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Publication 20040155752 in view of Bonder et al. US patent 6078265 and further in view of Dutu US Patent 6727800.

Regarding claim 29, Hsu et al. teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) but is silent on teaching a shuttle card containing the fingerprint information. Dutu in an art related fingerprint security system teaches a card reader and the use of shuttle card in the form of a smart card that includes a chip to store a fingerprint template (col. 4 lines 46-55).

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. in view of DeBono in view of Radke in view of Bonder et al. as disclosed by Dutu because the smart card ensures that the vehicle will only operate when the smart card is installed in the reader of the vehicle and therefore increase the security of the vehicle.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 and further in view of Birchfield US Patent 6700479.

Regarding claim 30, Hsu et al. in view of DeBono in view of Radke is silent on teaching the enroller derives power from an electronic circuit for storing and verifying electronic fingerprint information. Birchfield in an analogous art teaches a programming device (enroller) receiving its power supply from the host (col. 6 lines 22-30).

It would have been obvious to one of ordinary skill in the art for the enroller derives power from an electronic circuit for storing and verifying electronic fingerprint information because this provides a more economical enroller device which does not have its own power supply.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Primary Examiner, Art Unit 2612  
November 8, 2009